



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,424	01/23/2002	Daisuke Furumatsu	SEL 300	7907

7590

02/21/2006

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

EXAMINER

COBY, FRANTZ

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/055,424	Applicant(s) FURUMATSU, DAISUKE	
	Examiner Frantz Coby	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,9,10 and 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 9-10 and 15-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2161

This is in response to Applicant's amendment filed on November 21, 2005 in which claim 6 was amended, claims 1-5, 7-8, 11-14 were amended and claims 15-31 were added.

Status of Claims

Claims 6, 9-10 and 15-31 are pending.

Response to Arguments

Applicant's arguments filed on the aforementioned date have been fully considered but they are not persuasive. Therefore, the rejection of claims 6 and 9-10 mailed on July 19, 2005 under section 103(a) remains. The newly added claims are also addressed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 9-10 and 15-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Crawshaw U.S. Patent Publication 2001/00,42032 A.

As per claims 6, 9-10 and 15-31 Crawshaw et al. discloses a work data management method" by providing a system for capturing, processing tracking and reporting time and expense data (See Crawshaw et al. Title, Abstract', Fig. 1A and corresponding text) comprising: "inputting a user ID and a password through a terminal connected to a network; identifying an employee based on data stored in a database using the user ID and the password, and checking manipulable processing contents of the employee" (see Crawshaw et al. Page 5, Section 0043*, Page 6, Section 0054)*, "displaying, on the terminal, a picture that urges the employee to input a work data; checking appropriateness of an input work data, and storing the input work data in a work data list master if the input work data is judged appropriate, and storing, in a work data list master, the work data for which an approval authority processing manipulation has completed" (See Crawshaw et al. Figures 3A-3B, Page 7, Section 0055).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9-10 and 15-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2001/00,42032 A, Crawshaw et al. ("the -032 application") in view of U. S. Patent no. 6,338,097131 issued to Krenzke et al. the -097 patent.

With respect to claim 6, 9-10 and 15-31, the '32 application teaches a work data management system by providing a system for capturing, processing tracking and reporting time and expense data (See Crawshaw et al. Title, Abstract', Fig. 1A and corresponding text) comprising: a terminal through which to input a work data (Fig. 1A , 80), a database (Fig. 1A, 42, 44, page 4, col. 1, [035]), a server (Fig. 1A, 10) comprising a Web server (Fig. 1A, 50) and a Web application (Fig. 1A, 30, 32), wherein the terminal, the database, and the Web server are connected to a network (Fig. 1A), and wherein the Web application checks whether data input (page 6, col. 2, (0054 thru page 7, col. 1, (0055)) through the terminal agrees with corresponding data stored in the database, and stores the input data in the database if the input data is acknowledged.

The database of Crawshaw et al can obviously stored or comprised "at least one selected from the group consisting of an employee data master, a substitute attendance master, a unit/group master, a job master, a work data list master, a work management section master, a paid holiday master, and a company holiday master" since the database stores external time, expense data and account data (page 4, col. 2, (040J) and wherein the terminal, the database, and the Web server are connected to a network (Fig. 1 A). Although the Crawshaw et al. reference shows a database comprises of external time, expense data and account data, the Crawshaw et al. reference does not

expressly show a database comprising at least one selected from the group consisting of an employee data master, a substitute attendance master, a unit/group master, a job master, a work data list master, a work management section master, a paid holiday master, and a company holiday master as recited in the instant claim 11.

It is noted, however, these differences are only found in the nonfunctional descriptive material and do not alter how the work management system functions (i.e., the descriptive material does not reconfigure the work management system). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of data in the database because such data does not alter how the database functions and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

It is further noted, the -032 application, in page 6, col. 2, paragraph 0054, checks or validates inputted data by comparing the inputted data with the data stored in a database (see paragraph 0054, "the application server validates the company identification, user identification, and password "; see also page 6, col. 1, par. 10050 data entered by a user with the data stored in a database, but does not explicitly indicate that the data is stored after validation. The '097 patent, on the other hand, an analogous art, teaches checking entered data and storing the data only it passes the

checking step See page 7, lines 13-22. In other words, in the -097 patent data is stored only when it is acknowledged.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the verification step of the -097 patent in the '032 application because the *097 can be used in a system similar to the one of the '032 application (see *097 patent, col. 3, lines 36-43) and the incorporation would have enhanced the combined system by making it more transparent (*097, col. 2, lines 21-22) and efficient (-097, col. 2, lines 65-671).

In addition, Crawshaw et al. discloses a wide area network, mechanism for inputting data through a personal computer having a web browser, terminal connected to the network (See Crawshaw et al. Figures 1A and 1 B).

It is further noted, however, the Crawshaw et al. reference does not expressly show storing of data for end of the month processing manipulation, data for end of the month approval authority, data for general affairs department end of the month, and data for final protection processing manipulation as recited in the instant claim 6. It is noted, however, these differences are only found in the nonfunctional descriptive material and do not alter how the work management system functions (i.e., the descriptive material does not reconfigure the work management system). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ 2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of data in the database because such data does not alter how the database functions and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

The '32 application teaches a work data management system by providing a system for capturing, processing tracking and reporting time and expense data (See Crawshaw et al. Title, Abstract', Fig. 1A and corresponding text) comprising: a terminal through which to input a work data (Fig. 1A, 80), a database (Fig. 1A, 42, 44., page 4, col. 1, (035)). The database of Crawshaw et al can obviously stored or comprised "at least one selected from the group consisting of an employee data master, a substitute attendance master, a unit/group master, a job master, a work data list master, a work management section master, a paid holiday master, and a company holiday master" since the database stores external time, expense data and account data (page 4, col. 2, (040)), and wherein the terminal, the database, and the Web server are connected to a network (Fig. 1 A). Although the Crawshaw et al. reference shows a database comprises of external time, expense data and account data, the Crawshaw et al. reference does not expressly show a database comprising at least one selected from the group consisting of an employee data master, a substitute attendance master, a unit/group master, a job master, a work data list master, a work management section master, a paid holiday master, and a company holiday master. It is noted, however, these differences are only found in the nonfunctional descriptive material and do not

Art Unit: 2161

alter how the work management system functions (i.e., the descriptive material does not reconfigure the work management system). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to store any type of data in the database because such data does not alter how the database functions and because the subjective interpretation of the data does not patentably distinguish the claimed invention. Last, *Crawshaw et al.* discloses a wide area network, mechanism for inputting data through a personal computer, terminal connected to the network (See *Crawshaw et al.* Figures 1A and 1B).

Remarks

The Applicant argued that, "In the Office Action, the Examiner admits that *Crawshaw* does not disclose many of the claimed features of independent Claim 6 of the present application. The Examiner, however, contends that these differences are only found in the nonfunctional descriptive materials and do not alter how the work management system functions (i.e., the descriptive material does not reconfigure the work management system" Applicant respectfully disagrees.

In particular, the Examiner cites *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). However, in that case, the Federal Circuit found that the claim limitations defined functional characteristics of the memory which imparted a physical organization on the information stored in the memory. The same is true in the present application. Each of the objected to steps in the method of independent Claim 6 is storing (and therefore organizing) specific data in a specific location in memory. These features are useful in providing a system, which is capable of unified management of employees' work in a correct and easy way (see e.g. pages 1-2 of the present application). This is consistent with the explanation in *Lowry* of a functional relationship with the memory and acceptable, functional patentable subject matter. Hence, these claimed features must be considered. As *Crewshaw* clearly does not disclose or suggest these claimed features, independent Claim 6 is patentable over *Crawshaw*."

The Examiner, on the other hand, respectfully submits that a *prima facie* case of obviousness was established using existing case laws. Thus, descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

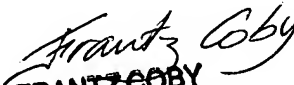
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 571 272 4017. The examiner can normally be reached on Monday-Saturday 3:00PM-10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571 272 4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 16, 2006


FRANTZ COBY
PRIMARY EXAMINER